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**ARTICLE**

## Global Distributive Justice

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### Abstract

*This article analyzes frameworks of global distributive justice embedded in models of global governance associated with Habermas and Rawls. Habermas is chiefly concerned with distributive justice at the level of the European Union while Rawls seeks justice at the global level through redistribution to “burdened” societies. Neither model adequately addresses the problem of global distributive justice.*

**Key Words:** *distributive justice, law of peoples, global state, Rawls, Habermas*

### Introduction

Joseph Stiglitz (Stiglitz 2002: 21-22) observed:

“Unfortunately, we have no world government, accountable to the people of every country, to oversee the globalization process in a fashion comparable to the way national governments guided the nationalization process. Instead, we have a system that might be called *global governance without global government*, one in which a few institutions—the World Bank, the IMF, the WTO—and a few players—the finance, commerce and trade ministers, closely linked to certain financial and commercial interests—dominate the scene, but in which many of those affected by their decisions are left almost voiceless”.

The issue of worldwide heavy and persistent inequalities among societies demands distributive justice at global level. Distributive justice is theorized at national and global levels. Distributive justice at national level deals with the distribution of benefits and burdens to each according to his due or fair allocation of burdens and benefits in society. There are various principles that determine ‘due’ (Gupta 2013: ix) whereas global distributive justice is concerned with distribution of benefits and burdens among societies. For example, Rawls holds that “the distribution of income and wealth within a society is just when laws and economic institutions are designed so as to maximally benefit the least advantaged members of that same society. This standard for domestic distributive justice is to apply worldwide, to determine just distributions in every society in the world” (Freeman 2006: 243). Conversely, the established powers as well as the rising powers have responsibility not only “for combating global poverty” but they must also be viewed to have “*the capacity to stop, the contribution to and the benefits from global distributive injustices.*” (Culp 2014: 1).

Across the globe, “the poorest half of the population still owns nothing” (Piketty 2014: 377). The World Development Report 2014 reveals that “many people around the world are poor or live very close to poverty; they are vulnerable to falling deeper into poverty when they are hit by negative shocks. More than 20 percent of the population in developing countries live on less than \$1.25 a day<sup>1</sup>, more than 50 percent on less than \$2.50, and nearly 75 percent on less than \$4.00” (WDR 2014: 5). The report also notes that “mortality rate from illness and injury for adults under age 60 is two and a half times higher for men and four

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<sup>1</sup> It is worth nothing that “\$1.25 per day is a widely used measure of extreme poverty. However, \$2.50 per day is considered a more relevant measure of extreme poverty for some regions” (WDR 2014: 5).

times higher for women in low-income countries than in high-income countries, while the rate of children under age five is almost twenty times higher” (WDR 2014: 4). According to the World Bank Annual Report 2013, “more than 1 billion people worldwide are still destitute, inequality and social exclusion seem to be rising in several countries, and many urgent and complex challenges must be overcome to maintain the recent momentum in poverty reduction” (World Bank 2013). “The constant” day to day hard choices associated with poverty in effect tax an individual’s *bandwidth*, or mental resources. This *cognitive tax*, in turn, can lead to economic decisions that perpetuate poverty” (WDR 2015: 81). In view of these and such other facts, there is a growing realization that the just distribution of benefits and burdens among societies demands governance at global level and “the problem may not be with how markets should or do work, but with our political system” (Stiglitz 2014). In other words, “there must be a head-on acknowledgement that the ethical and justice issues posed by the global polarization of wealth, income and power, and with them the huge asymmetries of life chances, cannot be left to markets to resolve” (Held 2010: 135).

Distributive justice, at global level is one of the major problems, whose solution is no one’s responsibility in the absence of a world government. Globalization has limited the sovereignty of the nation state; therefore, nation state is not powerful enough to adequately ensure distributive justice even at national level because “we live in a world of ‘overlapping communities of fate’... from the conditions of financial stability to environmental degradation, the fate and fortunes of each of us are thoroughly intertwined” (Held 2008: x). Kant (1983) gave the idea of a world state. It may be presumed that a world state may be able both to protect capital-in-general at global level and to provide global distributive justice. However, Kant later realized that a world state was undesirable. Without fully renouncing the idea of a world state, Kant “introduced the weaker conception of a league or confederation of nations” (Habermas 2008: 124).

Rawls (2003) and Habermas (2001, 2008, 2009) both draw on the ideas of Kant (1983). While Kant did not fully renounce the idea of establishing a world state, Rawls’s approach to the question of a world state shows that a world democratic republic is both undesirable and impossible. Rawls seeks global governance without global government through his proposed Law of Peoples (2003). It is in the framework of the Law of Peoples that Rawls addresses the problem of global distributive justice. For Habermas, in the existing world, a global democratic republic is both undesirable and impossible. Habermas seems mainly concerned not with providing global distributive justice, but with distributive justice at the level of the European Union.

### **Rawls’s Model of Global Governance**

One of the main reasons Rawls rejects the establishment of a world state is that a world state demands global egalitarian distribution that Rawls endorses at the national level, but renounces at the global level. A main reason for the rejection of a global egalitarian distribution is that Rawls does not see a single global community whereas a single community exists at the national level.

To Rawls, the world is not inhabited by a single community, but is deeply divided. Rawls conceives the world as divided into five different types of societies: liberal people<sup>2</sup>, decent people<sup>3</sup>, outlaw states<sup>4</sup>, benevolent absolutisms<sup>5</sup> and burdened societies<sup>6</sup>. Liberal

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<sup>2</sup> Liberal people have three basic features: (1) a reasonably just constitutional democracy (2) united by common sympathies (3) a moral nature (Rawls 2003).

<sup>3</sup>Decent peoples do not have aggressive aims, they honor human rights and they have a decent consultation hierarchy (Rawls 2003).

peoples and decent peoples together are referred to as well-ordered peoples whereas the rest are ill-ordered or disordered societies. It is only well-ordered societies that Rawls refers to as peoples. He “only rarely uses the term ‘people’ of those other three regimes, resorting instead to terms like ‘society’, ‘state’ and ‘country’” (Pettit 2006: 42). “Peoples are treated by Rawls as capable of agency” (Pettit 2006: 42). “A people will exist as an agent on the domestic and international fronts only if the government acts appropriately in its representative role, giving the people a voice and a presence on those fronts” (Pettit 2006: 43). Thus, Rawls’s society of peoples excludes what he calls outlaw states, benevolent absolutisms, and burdened societies. Rawls legitimizes violence against “outlaw” states, and theorizes a duty of assistance to “burdened” societies. He sees the seeds of liberal values in “burdened” societies.

This is a brief sketch of the Rawlsian conception of the divided world. It is impossible for this world divided across well-ordered and ill-ordered (even disordered) lines to establish a liberal world republic. It is not possible to establish a world democratic republic unless outlaw states and benevolent absolutisms imbibe the liberal values of liberty, equality, fairness, and progress. Broadly speaking, domestic community precedes the establishment of a nation state in contractarian tradition. Therefore, a world state cannot be established unless a global community emerges. Rawls’s Society of Peoples excludes ill-ordered societies and thus does not constitute a global community. Thus, a world democratic republic on Rawlsian view, seems implausible, and therefore, there seem to be no prospects for the provision of distributive justice at global level.

Rawls explicitly rejects the idea of a world republic precisely on Kantian grounds. Rawls maintains: “here I follow Kant’s lead in thinking that a world government...would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy” (Rawls 2003: 36). Thus, on the Rawlsian view, if the world that is divided into well-ordered and ill-ordered societies, i.e. a world divided into peoples and non-peoples, is transformed into a global state it is likely to be “a fragile empire torn by frequent civil strife”, perhaps, strife between peoples and non-peoples. Rawls’s renunciation of a global state is partly rooted in the national welfare concern. He appears to reject a global state partly because it demands global egalitarian distribution that Rawls approves only at the national level. This is the concern for the national welfare that motivates Rawls to discredit global egalitarian principle while he necessitates the difference principle at the national level. He rejects global difference principle i.e. global redistribution, say through global taxation. The world state if established, will have to enforce global difference principle because the establishment of a world state entails elimination of the boundaries between domestic/national and global.

Rawls does not envisage even the establishment of a limited global state, namely, a transnational republic of well-ordered peoples (i.e. liberal and decent peoples). This would require imposition of egalitarian distributive principle at the transnational level which he does not envisage. Rawls does not think that liberal and decent peoples together constitute a community because they do not share the bases that unify distinct peoples. To identify such bases, Rawls refers to “identity of political antecedents; the possession of a national history;

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<sup>4</sup>Outlaw states are regimes that “think [that] a sufficient reason to engage in war is that war advances, or might advance, the regime’s rational (not reasonable) interests” (Rawls 2003: 90).

<sup>5</sup>Benevolent absolutisms “honor most human rights, but because they deny their members a meaningful role in making decisions, they are not well-ordered” (Rawls 2003: 63).

<sup>6</sup>Burdened societies are those “whose historical, social and economic circumstances make their achieving a well-ordered regime, whether liberal or decent, difficult if not impossible” (Rawls 2003: 5).

and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past” (Rawls 2003: 23n). Decent peoples do not constitute a community with liberal peoples but rather “decent peoples are to be tolerated” (Miller 2006: 80). Thus, even a limited “global” state is not desirable in Rawlsian framework.

Rejecting a world state, Rawls specifies the long term and the final goal of the Law of Peoples: “The long-term goal of (relatively) well-ordered societies should be to bring burdened societies, like outlaw states, into the Society of well-ordered Peoples” (Rawls 2003: 106). “The aim of the Law of Peoples would be fully achieved when all societies have been able to establish either a liberal or a decent regime, however unlikely that may be” (Rawls 2003: 5). Rawls’s specified aim of the Law of Peoples, i.e., metamorphosis of all societies to either a liberal or a decent regime, does not envisage the ultimate transformation of the liberal and decent regimes to a world republic. Thus, Rawls envisions the provision of distributive justice essentially at national level. However, to provide distributive justice beyond the borders of the nation-state, Rawls proposes global governance without global state. He emphasizes the need for developing a multinational society of well-ordered peoples (a society only of liberal and “decent” peoples). It may be said that outlaw states and benevolent absolutisms are the outcasts of the imagined global civil society while burdened societies are at the margins of this society.

#### **Rawls’s Framework for Distributive Justice beyond the Nation-State**

Rawls (1980) conceives the (first) original position in his *A Theory of Justice* for distributive justice at national/domestic level. The first original position is a hypothetical position imagined to enable rational and self-interested individuals to choose fair principles of justice at national level. Parties in the original position are behind the veil of ignorance in the sense that “no one knows his place in society, his class position or social status, nor does anyone know his future in the distribution of natural assets and abilities, his intelligence, strength and the like” (Rawls 1980: 12). In his second original position, Rawls conceives rational representatives of liberal and decent peoples to specify principles of justice meant to be imposed at global level. The representatives are imagined to be behind the veil of ignorance regarding “the size of the territory, or the population, or the relative strength of the people whose fundamental interests they represent...the extent of their natural resources, or the level of their economic development” (Rawls 2003: 32-33). If the principles of justice, in the original position, were chosen by the representatives of all societies (and not just by those of liberal and decent peoples) they might choose a world state. Rawls maintains that the representatives in the global original position would choose eight principles of justice which constitute the charter of the Law of Peoples. These principles are: (1) respect for freedom and sovereignty (2) honoring treaties and undertakings (3) equality of the parties to an agreement (4) duty of non-intervention (5) right of self-defense (6) honoring human rights (7) certain restrictions in the conduct of war (8) duty of assistance to societies burdened by unfavorable conditions (Rawls 2003). Mainly Rawls’s eighth principle of his charter of the Law of Peoples is related to distributive justice. Rawls’s duty of assistance is less concerned with the wellbeing of societies across the globe and more with transforming ‘burdened societies’ into ‘decent peoples.’

Rawls rejects redistribution from a rich well-ordered society to a poor well-ordered society as well whether liberal or decent. Rawls justifies his position with two thought-examples. In case I, Rawls imagines two (well-ordered) liberal or decent societies. Both are assumed to be at the same level of wealth and have the same size of population. The first society, after a few decades, becomes twice as rich as the second by choosing to industrialize. In case II, both societies have a rather high population growth rate. The first society, by stressing equal justice for women, brings population growth rate to zero while the second society maintains its high population growth rate. Consequently, some decades later, the first becomes twice as rich as the second. Since “both societies are liberal or decent, and their

population free and responsible, and able to make their own decisions, the duty of assistance does not require taxes from the first” (Rawls 2003: 117). To Rawls, a rich people are rich because they chose hardwork, industrialization, population control and saving whereas the poor societies chose leisurely lifestyle, pastoral living, population growth and wastefulness. Thus, the worse-off liberal and decent countries are themselves responsible for their destitution. Therefore, redistribution by taxing the rich to assist the poor will be unjust. Rawls does not realize that non-industrialization cannot be chosen by a capitalist community. There is no non-industrializing liberal community in the world today. Hence, the contrast conceived by Rawls is a false one representing a misunderstanding about the relationship between liberalism and capitalism. Moreover, a sharp contrast between Rawls’s views on domestic case and international case is that the difference principle seeks to reduce the arbitrariness of the fates of individuals at the national level whereas in The Law of Peoples, Rawls “is concerned more with the legitimacy of global coercion than he is with the arbitrariness of the fates of citizens of different countries” (Wenar 2006: 95).

It may be argued that the least advantaged at the national level may also be considered poor because of their choices. Conversely, it may be argued that a level playing field is lacking at both domestic and global levels, that is, the playing field is characterized by contours that favor the rich and the powerful over the weak and the poor. Thus, the domestic difference principle is at odds with the rejection of global egalitarian principle. However, Rawls recognizes the duty of assistance to “burdened societies” with a target<sup>7</sup> and a cutoff point<sup>8</sup>. Peter Singer (2004) holds that if the problem of redistribution of wealth can be addressed in the case of redistribution within a society, it can as well be addressed in the case of redistribution among societies. Rawls argues that liberal societies have a duty to assist “burdened societies” so that they can become well-ordered societies and can accept the Law of Peoples. Rawls does not support the duty of assistance to the individuals who are starving, and dying of easily preventable diseases, who are suffering from malnutrition and who have no access to clean drinking water because they happen to be members of ‘non-burdened’ societies and live in some non-developed geographical unit, and have a different history and different community of recollections. Rawls essentially advocates the duty of assistance in order to attain liberal or decent institutions. Rawls does not envisage an all-inclusive global transfer system. Held (2010), for example, envisions a transfer system “across communities to alleviate the most pressing cases of avoidable economic suffering and harm” (Held 2010: 109). Held advocates “the creation of new form of regional and global taxation— for instance, a consumption tax on energy use, or a tax on carbon emissions, or a global tax on the extraction of resources within national territories, or a tax on the GNP of countries above a certain level of development...to meet the most extreme cases of need” (Held 2010: 109). Rawls’s duty of assistance, however, does not support a transfer system with a cosmopolitan target. For Rawls’s duty of assistance, suffering per se, or the degree of suffering does not count. His duty of assistance is concerned with alleviating the suffering only of those sufferers who are “capable” of being defined as ‘burdened societies’.

Moreover, Rawls incorrectly assumes that “there is no society anywhere in the world—except in marginal cases—with resources so scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered” (Rawls 2003: 108). Rawls, here, “overestimates the extent to which states are economically self-sufficient and distributionally autonomous” (Ingram 2003: 385). Rawls also does not appear to adequately respond to the negative effects of global integration of markets. For example, the rules and

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<sup>7</sup>The target of the duty is that “it seeks to raise the world’s poor [*the poor only of the burdened societies*; italics mine] until they are either free and equal citizens of a reasonably liberal society or members of a decent hierarchical society” (Rawls 2003: 119).

<sup>8</sup>Once the target is achieved the duty of assistance ceases to apply i.e. the cutoff point.

regulations laid down by global institutions such as the World Trade Organization, the World Bank, the International Monetary Fund and the United Nations set up a system that greatly advances the national interests of developed countries over those of developing ones (Pogge 2008). Thus, in unison with Rawls, the transnational institutes of global governance, such as the WTO, the IMF, and the World Bank would not approve global redistributive measures.

### **Habermas’s Model of Global Governance**

The idea of a world state is one of the forms in which Kantian view of the cosmopolitan condition is supposed to be realized. Cosmopolitan condition means “peace made permanent” (Habermas 2008). Habermas’s cosmopolitan project is rooted in Kantian vision of creating world permanent peace—certainly, liberal peace. Kant was deeply concerned with the existing system in the world arena in which belligerent nation-states competed with each other for power and money, while being caught in the Lockean state of nature. On the Kantian view, national peace is not possible without international peace. “Civil constitutions must fail to bring peace internally while external threats to peace persist” (Strauss & Cropsey: 608). Kant conceived of the alternative of a world republic to the existing system of belligerent nation-states. Though “over the course of his career, Kant never actually renounced the idea of a complete constitutionalization of international law in the form of a world republic (Habermas 2008: 124) he “judged that the nations were not yet sufficiently mature [*i.e., liberal*]” for the realization of the idea (Habermas 2008: 125). To Habermas, a world republic is not an appropriate idea in the contemporary world. Kant held that a world republic would “degenerate into something different from a supranational legal order” (Habermas 2008: 123). It would become a “universal monarchy” (Habermas 2008: 124). A “universal monarchy could bring about a legal pacification of world society by repressive means, that is, through a despotic monopoly of power” (Habermas 2008: 124). Thus, to Habermas, a peace established by a universal monarchy will not be liberal peace. What is desired by the constitutionalization of international law is world permanent liberal peace through universalization of human rights which universal monarchy cannot provide.

It can be argued that another implicit reason for rejecting a world state in the Habermasian framework of cosmopolitanism is that world despotism cannot be embedded in intersubjective speech action, that is, it cannot be legitimized by Habermas’s discourse ethics<sup>9</sup>. However, nor is Habermas’s model of global governance based on discourse ethics and intersubjective speech action. Still, a global state is not desirable even though a nation-state cannot adequately protect global capital nor can it adequately promote global distributive justice.

Habermas envisages a multilevel system of global governance. He argues that constitutions are not necessarily tied with states. They can exist independent of states. He gives the examples of the “constitutions” of the UN, WTO and EU etc. He calls them proto-constitutions. He conceives the embeddedness of constitutionalization of international law coupled with a multilevel system of global governance without a state. To Habermas, “it is the ‘constitution’ that has been evolving, and not the state” (Habermas 2008: 134). Thus, the constitutional nation-state cannot be transformed to the global state. Habermas outlines the multilevel system of global governance for realizing the goal of permanent global liberal peace through the universalization of human rights. Distributive justice beyond national borders is contextualized within the multilevel system of global governance without world government. His proposed multilevel system consists of a supranational level (a world organization with executive authority), a transnational regional level (on the model of the EU)

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<sup>9</sup> Habermas’s discourse ethics aspires “more open, egalitarian frank, but respectful dialogue between citizens with different interests and backgrounds who want to find better ways of living together” (Goode 2005: 73).

that he calls global domestic politics, and a national level. At the supranational level, “a suitably reformed world organization could perform the vital but clearly circumscribed functions of securing peace and promoting human rights” (Habermas 2008: 136). Habermas gives the title of global domestic politics to the intermediate/transnational/regional level. At the intermediate level, “the major powers...would have to cope with global economic and ecological problems within the framework of permanent conferences and negotiating forums” (Habermas 2008: 136). Distributive justice beyond the nation-state is the responsibility of the intermediate/transnational/regional level of governance. An essential problem of global domestic politics is that “apart from the US, at present there are no global players with a sufficiently representative mandate to negotiate and the necessary power to implement such policies” (Habermas 2008: 136). For the concretization of the vision of global domestic politics, Habermas recommends that “nation-states in the various world regions would have to unite to form continental regimes on the model of an EU” (Habermas 2008: 136). This implies that Habermas’s vision of a multi-layered system of global governance without a world state demands limited disorganization of the nation-state. This disorganization at the national level is intended to empower world organization at the global level and ‘global domestic politics’ at the regional level.

Habermas proposes the constitutionalization of international law which legitimizes the limitation of the principle of national sovereignty. The supranational world organization (i.e. a reformed UNO) will be equipped with executive authority. “Executive powers above the level of the nation-states would complement the fragmentary proto-constitution of classical international law” (Habermas 2008: 134).

Habermas renounces the establishment of a world state as despotic, but accepts the alternative of a world organization with executive authority. Habermas’s vision of the world leadership, at best, seems to be confused and self-contradictory. On one hand, he holds that “the project of a cosmopolitan order is doomed to failure without American support, indeed American leadership” (Habermas 2008: 179). Habermas does not, however, show that how the intersubjective communicative action will prevail at global level under the world leadership of the US. On the other hand, he is inspired with new hopes “for a new world order under the leadership of the world organization” (Habermas 2008: 147). A world organization with executive authority will hardly, if at all, be reconcilable with Habermas’s discourse theory. Instead of intersubjective communication there will be subject/object division between big powers and weak countries. Thus, despite his rejection of a world state Habermas’s “own model of global reform ultimately looks like a state, walks like a state, and talks like a state” (Scheuerman 2008: 491). Habermas seems to have a vision of federal Europe also as the world leader: “hitherto, history has granted the empires that have come and gone but *one* appearance on the world stage. This is just as true of the modern states— Portugal, Spain, England, France, and Russia— as it was for the empires of antiquity. By way of exception, Europe as a whole is now being given a *second* chance” (Habermas 1996: 507). None of these three visions gives a scheme to eliminate injustices caused by big powers and global regimes such as WTO and IMF etc. Moreover, none of these visions appears to be concerned with providing global distributive justice.

### **Habermas’s Framework for Distributive Justice beyond the Nation-State**

Argument from national welfare is also embedded in Habermas’s approach to a world state. He is concerned with multinational welfare of the member states of the European Union only. Habermas is primarily concerned with the rising emergence of an underclass in Germany and some other European states. He envisages curbing multinational business possibly by making their incomes—produced anywhere in the world—taxable for the social welfare of European Union. With a view to reduce inequalities between the member states, Habermas holds that the European Union must guarantee “the uniformity of living standards” in the member states (Habermas 2012: 53). However, he does not have a global redistribution



plan. Habermas essentially views “global” distributive justice as a responsibility of the transnational/regional level and not that of the supranational level.

Habermas maintains that “the market and politics rest on conflicting principles” (Habermas 2009, 190). This implies that the market is the realm of self-interest whereas politics is the realm of the common good. For example, global financial crisis 2007-2008 has severely affected the welfare of millions of individuals in many countries. However, Habermas does not blame the functioning of the market for the financial crisis. He remarks, “politics, and not capitalism is responsible for promoting the common good” (Habermas 2009, 184). In other words, the market’s pursuit of profit-maximization and accumulation was in accordance with the principle of private interest whereas politics did not adequately perform its role of the pursuit of public good. With the global integration of markets, “global capitalism has escaped the grasp of the State...capital accumulation...exceeds the control of the State and pervades society totally...State politics is now merely the continuation of capital accumulation by other means (Holland 2008: 81). The global free trade which is more or less unregulated “needs direction and administration if it is not to produce asymmetrical advantages for one side and to ruin whole economies” (Habermas 2008: 56). Thus, the state and the makers of public policy are responsible for not being able to protect common welfare. It appears that the main cause of the failure of politics is the desovereignization (though limited) of the nation-state. The nation-state is not powerful enough to take appropriate action in order to protect and promote common good. Habermas does not suggest regression to the sovereignization of the nation-state since it has become obsolete. Thus, “politics must build up its capacities for joint action at the supranational level if it is to catch up with the markets” (Habermas 2009, 190). The purpose of this “catch up” is promoting the common good, for Habermas, welfare of the European Union.

If the market is left to its own the common good will seriously be sacrificed. Market is focused on accumulation (private interest), and not on generating equitable distribution (common good). Thus, markets ought not to be supposed to resolve the “questions of global energy, environmental, financial and economic policy, all of which involve the issue of equitable distribution” (Habermas 2009, 114). The goals of equitable distribution and public welfare demand regulation of the market mainly at transnational (regional) level. To Habermas, “the problems of the global economy [are] in need of regulation—including problems of climate and environmental policy, of the distribution of contested energy resources, of scarce supplies of drinking water, and so on” (Habermas 2009, 191). Habermas seems to hold that the distributional problems of the member states of the European Union should be resolved at the regional level i.e. at the level of the European Union. Habermas lays emphasis on the need for establishing a global supranational organization (an empowered U.N.O), but he does not recommend a distributional scheme at the global level. This is so perhaps because the main focus of the Habermasian supranational organization is to establish liberal peace through universalization of human rights and constitutionalization of international law. The problem is that the constitutionalization of international law provides no means for addressing the problem of distributive justice at the global level and Habermas does not show that the constitutionalization of international law at the transnational/regional level provides a basis for distributive justice at the transnational/regional level. Moreover, Habermas does not appear to envisage the establishment of global economic distributive justice through regulation of the global trade by a supranational organization.

Habermas does not offer something similar to Rawls’s duty of assistance to burdened societies or Pogge’s (1989) global egalitarian distribution principle. In other words, though Habermas certainly emphasizes the need for promoting distributive justice at the EU level, he does not offer a distributional scheme for his idea of equitable distribution even at the EU level. With the enlargement of the EU, according to Habermas, the problem of “the gaps in socioeconomic development between the old and the new members” has worsened

(Habermas 2008: 69). These gaps in socioeconomic development “will aggravate conflicts over the distribution of the scarce resources of a comparatively small EU budget, conflicts between net contributors and net beneficiaries, core and periphery, old recipients in Southern and new recipients in Eastern Europe, small and large member states and so on” (Habermas 2008: 69-70). Habermas seeks to resolve these envisaged problems at the transnational regional level. Similar solutions of similar problems at global level do not appear to be a part of the agenda of Habermasian redistribution.

Habermas speaks of “a harmonization of tax policy” in the common currency zone of the EU. This proposed harmonization, to Habermas, “is the toughest nut to crack because it calls for redistribution” (Habermas 2008: 55). Redistribution is the toughest challenge even among the member states of the EU because “the Portuguese, Germans, Austrians, and Greeks are unwilling to recognize each other as citizens of the same political community” (Habermas 2008: 55). Habermas views nationalism as a deviancy, but his postnationalism does not go beyond the European Union. This also implies that in spite of his quest of the cosmopolitan project, Habermas remains a European nationalist. This also partially explains his primary commitment to equitable distribution and public welfare at the regional level. While he does not offer a systematic treatment of the problem of distribution at the global level, he emphasizes that redistribution at the level of the EU demands that individuals in the member states need “to recognize each other as citizens of the same political community” (Habermas 2008: 55). Habermas is a strong advocate of European federalism. In Habermasian perspective, provision of distributive justice and the steering/regulation of financial markets also demand political integration and empowerment of European Union. He maintains that “the European Union can withstand the financial speculation only if it acquires the necessary political steering capacities to work towards a convergence of the member states’ economic and social development” (Habermas 2012: 50).

### **Conclusion**

Both Rawls’s and Habermas’s approaches are embedded in the Kantian conception of a cosmopolitan condition, but they seek the realization of the cosmopolitan project in different forms. Rawls seeks its realization through the law of peoples whereas Habermas through the multilevel system of global governance. Both envisage the universalization of human rights. Rawls resorts to the universalization of human rights essentially through the principles of the law of peoples whereas Habermas through constitutionalization of international law. Both Rawls and Habermas renounce the desirability of establishing a world state. Habermas is chiefly concerned with distributive justice at the level of the European Union though he does not give a framework for this distribution. Rawls, on the other hand, seeks distributive justice at relatively broader level by formulating the duty of assistance for helping the burdened societies. However, neither Rawls nor Habermas adequately address the problem of global distributive justice.

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